

COUNCIL COMMUNICATION

AGENDA TITLE: Report on Graffiti Abatement

MEETING DATE: March 4, 1992

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Discussion and appropriate action.

SACKGROUND INFORMATION: At its last meeting, the City Council directed staff to

provide them more information and alternatives on a

graffiti removal program. A copy of the Graffiti Ordinance

is attached as Exhibit A.

At the present time, the Parks and Recreation Department, **Community** Center and the Public Works Department are dealing with graffiti on their facilities. This would continue to be done by each department. The options listed under the removal methods would be used only on private property where releases are obtained.

Removal Methods

Under the first two alternates listed, it is reconended that the City implement a 3-month trial program. Three months would carry the program through to the beginning of next fiscal year when major ongoing fundina could be made available. This funding will be discussed later.

Alternate 1

Under this alternate. the City would hire a part-time employee, furnish all equipment. materials and a vehicle. In the beginning, this employee would also be required to obtain releases. It is hoped that releases can be obtained by other method: discussed later in this conunication. The cost of this alternative is approximately \$7,500.00 which includes 40 hours of labor per week a \$6.00 per hour and the equipment and materials. The \$6.00 per hour includes the standard employment costs. This person would work a maximum of 8 hours per day which would allow us time to evaluate what is really needed for an on-Going program. This cost does not include the cost of public relations or other promotional materials which will be discussed later.

Alternate 2

This alternate is the same as Alternate 1 except the City would contract with a temporary service agency for employees to do this work. The cost of this alternate would he approximately \$9,000.00 which includes 40 hours

APPROVED those 1 Teleson

THOMAS A PETERSON City Manager

me as eart seasons

Report on Graffiti Abatement March 4, 1992
Page 2

of labor per week at 58.50 per hour. All other portions of this alternate are the same as Alternate 1.

The only difference between these two alternatives is the hourly rate paid to the employee or the temporary agency. Under Alternate 1, the City would be responsible for worker's compensation for the part-time employee. Under Alternate 2, the temporary service agency will cover the employee worker's compensation, but the hourly cost is higher. Either type employee would be supervised by the Street Division.

It should be noted that after the trial program is underway, and 40 hours per week are not needed, modifications to the work schedule will be made.

Alternate 3

The third alternate is to contract with a graffiti abatement contractor. The attached information (Exhibit B) was supplied to the Council at its last meeting by Arthur Price. This information included the proposal from Graffiti Abatement Service which would cost \$3,600.00 for 20 hours of labor per month for a 6-month period (120 total hours). The 930.00 per hour cost would include most materials. Under this alternate, releases would also have to be obtained. If the same number of hours (560 hours) were provided under this alternate as in Alternates 1 and 2, the cost would be \$16,800.00. Because of the amount of this alternate even at 20 hours per month, the City code requires that several bids be obtained if there are others who do this type of work. It should be noted that supervision and monitoring of this alternate would also be done by the Street Division.

Alternate 4

The fourth alternative is to use volunteers. Rased on past experience and the need to eradicate graffiti quickly and maintain control over work, it is felt that use of volunteers for the major graffiti removal is not a realistic alternative. Once an ongoing program is implemented, it is felt that volunteers could be used for an "adopt a wall" or "adopt a fence" programs, I-day paint-outs. etc.

Obtaining Releases

As mentioned at the last Council meeting, obtaining releases for graffiti removal is one of the most time-consuming elements of an abatement program. Attached as Exhibit C is a copy of our standard release. This release was recently revised to give the City authorization to abate until writter notice to revoke this authorization is received.

Report on Graffiti Abatement March 4. 1992
Page 3

Listed below are a number of ways that releases could be obtained and any of these could be used in combination with one another. If the Public Wcrks Department is to be responsible for an ongoing pro-active program, it would be our goal to have a release for all properties subject to graffiti.

- Part-time City employee A part-time employee could be used, going door-to-door. The working hours of this employee would have to be set other than the standard 8 a.m. to 5 p.m. in order to reach those people who work. It is important that this employee be bilingual.
- 2. Volunteers An effort could be made to get volunteers to go door-to-door to obtain releases. As mentioned at the Council meeting, there are many senior citizens who might be willing to do this. There are also service clubs and civic organizations whose members may want to make this a project. It would also be helpful if some of these volunteers were also bilingual.
- 3. Mass mailing A mass mailing could be sent to all property owners in the areas most affected by graffiti. This mailing should include information on the graffiti ordinance as well as a release form. An addressed envelope could be included to make it easier for owners to return it to the City. Our Finance Department could produce the mailing labels.
- 4. Neighborhood Watch Program The releases could be given to all Neighborhood Watch captains so they could get signed releases from their group members as well as their surrounding neighborhood.
- 5. Police Explorers The Police Explorers could be used similar to part-time City employees.

Public Relations

It is important that this program be kept in the public eye. It will be necessary to advertise in the paper similar to what the City of Modesto has done. We will put an information board in the lobby at City Hall which reminds people to sign the release and also to report graffiti locations. The City Newsletter should also be used. Bulletins could be sent to service clubs, as well as to the Chamber of Commerce, asking that they remind their members to sign releases and report graffiti. We could also use the public service announcement spots provided by Cable IV and local radio stations.

As suggested at the **last** Council meeting, stores selling spray paint should be notified of the ordinance and their responsibilities under the ordinance. **The** City could make signs available to these stores for posting. A package similar to the **No** Smoking Ordinance package could **be** prepared.

Report on Graffiti Abatement March 4, 1992 Page 4

Funding

The Community Development Department has confirmed that we can use Community Development Block Grant funds for an ongoing graffiti abatement program in the area eligible for these funds. It is our feeling that over 90% of the graffiti is presently found in this area. A map showing this area is attached as Exhibit D. These funds can only be used for manpower if the worker is a full-time or contract City employee. We could not hire an employee from a service agency. These funds can also be used for materials, equipment and public relations.

The Community Development Block Grant Fund projects for 1992-93 are currently being formalized. These projects will be presented for approval to the City Council in April. The money will become available on July 1, 1992. Any work on the graffiti abatement program between now and July 1, 1992 must be funded with City dollars.

It is possible that service clubs and other organizations may be willing to contribute money to be used for newspaper advertising and informational material once the program is up and running.

Recommendation

Since Community Development Block Grant funds could be provided for an ongoing program and if the Council desires the City to become involved in a pro-active graffiti program, it is our recommendation that the City Council approval and fund Alternate 1. At the end of the initial trial period, we feel we would see a significant decrease in graffiti City-wide and we would have an employee fully trained in graffiti removal. It would be in the City's best interest to then transition this trained part-time employee into a contract employee whose position would be funded with Community Development Block Grant funds.

It is also our recommendation that the Council appropriate a total of \$9,000.00 to cover the cost of Alternate 1 and money needed for the public relations segment of the program.

FUND: The appropriation to fund this interim program could be made out of the City's Hotel/Motel Tax Fund, since one of the eligible expenditure categories for this fund is for City beautification.

Jack L. Ronsko

Public Works Director

Prepared by Sharon Blaufus, Administrative Assistant

JLR/SB/1m

Attachments

cc: Arthur Price
Graffiti Abatement Service
Police Department

Street Superintendent

9.28.010

Chapter 9.28

GRAFFITI ABATEMENT

Sections:	
9.28.010	Findings.
9.28.020	Definitions.
9.28.030	Graffiti prohibited.
9.28.040	Removal of graffiti.
9.28.050	Sale or possession of
	pressurized paint cans.
9.28.060	Possession of spray paint
	in public park, square.
	playground, swimming
	pool or recreational
	facility.
9.28.070	Exemptions.
9.28.080	Penalty.

9.28.010 Findings.

The city council finds that graffiti on public and private property contributes to the creation of blight, negatively affects the value of surrounding property, visually detracts from neighborhoods and generally lowers the quality of life in the city. The council further finds that graffiti is often related to the activities or territories of street gangs and its presence encourages proliferation of additional graffiti unless abated promptly. To promote the health, safety and welfare of the public, the ordinance codified in this chapter is adopted to alleviate vandalism and halt the spread of such nuisances. (Ord. 1502 § 1 (part), 1990)

9.28.020 Definitions.

A. "Graffiti" means the unauthorized placing upon any public or private building, fence, structure or other property of any message, words, letters, pictures, symbols or

other marking by scratching, carving, the spraying of paint, or the use of chalk, dye or other similar substance.

B. "Responsible party" means the owner, manager or person in lawful possession of property upon which graffiti has been placed.

C. "Unauthorized" means without the explicit consent of the owner or person in possession of or responsible party for the affected private property or the public official responsible for public property, to any act described in this chapter. (Ord. 1502 § 1 (part), 1990)

9.28.030 Graffiti prohibited.

It is unlawful for any person to scratch, carve, paint, chalk or otherwise apply any unauthorized graffiti on any public or privately-owned building, fence, structure or other property. (Ord. 1502 § 1 (part), 1990)

9.28.040 Removal of graffiti.

When graffiti or other inscribed material is capable of being viewed from a public right-of-way or any place the public has a right to be, and the responsible party consents thereto or requests the cooperation of the city, the public works director may provide for the removal of such graffiti. If the director provides for such removal, he or she shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that necessary to cover the graffiti. Prior to graffiti abatement by the public works department, the responsible party shall be required to execute a written release, holding the city harmless and acknowledging that the covering paint may not match the color of the structure upon which it is placed. (Ord. 1502 § 1 (part), 1990)

The City Council of Lodi passed a Grafitti Abatement ordinance in January 1991. After waiting until April 1991 I contacted Mr. Jack Ronsko, Public Works Director, as to why there was no apparent implementation of the ordinance, Mr. Ronsko advised me (hat a volunteer program by the Woman's Club of Lodi was being put in place. I partice " ipated in this volunteer program which started strongly but foundered in August due to internal problems at the Woman's Club. When all progress by the Wann's Club stopped, I wrote a Letter to the CLub expressing my disappointment in the gollapse of its program (included in packet). I then wrote a Letter to Mr. Ronsky again pertaining to his intent in implementing the ordinance (included in Packet?. Despite the good intentions of the Woman's Club its program resulted in a delay of almost one year in the implementation of an effective Grafitti Abatement program. In response to my Latter mr. Ronsko 3et up an appointment for me to meet Mr. Glenn Raitzer, Street Superintendent, to discuss the grafitti problem. Mr. Baltzer anlisted my &id in obtaining "Hold Harmless" agreements. On February 2 and 3 I obtained "Wold Harmless" releases for mine properties in the area designated as District 2 in the abatement program - roughly East of the railroad tracks between Lodi Avenue and Tokay Street. In obtaining these releases I discovered how difficult it would be for me as a sole volunteer to have any real impact, Many of the properties where work was needed were closed on wackends or vacant. I work in Stockton and cannot be in Lodi on week days. BUT REALLY MORE TO THE POINT IS THE FACT THAT MY ACTIVITY WOULD BE A FALLIATIVE, AN EXCUSE FOR FURTHER DELAY IN IMPLEMENTING AN EFFECTIVE FROGRAM. I am willing to continue working but I am NUT willing to play that role.

In talking with Mr. Baltzer, he made clear to not the problems he encountered in combatting grafitti. His crew has full time work on the gireets, street signs, intersections, maintenance, etc. At best combatting grafitti could be but a minor activity for his crews. They are neither trained nor prepared to match paints, remove certain types of substances, obtain "Hold Harmless" forms or search out areas where grafitti is prevalent but off the beaten path. Above all private citizens, public officials as well as the police know that FROMPT

REMOVAL of grafitti is essential. Grafitti allowed to remain breeds grafitti. At best mr. Saltzer's crew could only make an occasional "sweep" through an area. He made it alea that his men could not "hopscotch" the city. I fully understand mr. Baltzer's dilemma and concur in his conclusions.

I would therefore request that the Council consider AND approve on alternative solution = the use of an independent contractor to preform the Grafitti Abatement services. Ye have in Ladi Such an independent contractor. Mr. Dennis Cochran. D&A Grafitti Abatement Service. State Contractors Ligense \$413078. Ar. Cochran is licensed in Lodi and Stockton, a member of the Chamber of Commerce and is bonded for one million dollars by Sanguinetti Insurance Comapny. have no personal interest in his company other than to have seen his work and performance. I know also that as Logi residents we share a dedication to keep Lodi a clean, beautiful, grafitti free city. Ar. Cochran is an expert in his field. He has a complete anti-grafitti program which can include a grafitti resistant paint, paint blending and removal of foreign substances nil both public and private edifices. mail boxes. power boxes, etc. regardless of the surface involved hope his company maker a profit but that is not my concern. I know he has cleaned up some areas of grafitti at his own expense. I have al so been told by Mr. Ronsko that Mr. Cochran's charges are auch Lower by far than could be provided by the city without even approaching his level of expertise. At my request Mr. Coihran is aubmitting a proposal to the Council. The stated objective of the proposal is to ELIMINATE grafitti from Lodi. I em including in your packet several testimonials including a letter from Congressman John T. Dootittle. I am also including only two photos. The first because i was amazed that Such a large amount of grafitti could be removed in only five minutes. The second because it is in my neighborhood. I know in fact that he has returned five time5 to touch it up. What Mr. Cochran fails to say is that the vandals, knowing that their efforts are futile, have stopped marking UP the wall altogether! Ar Cochran has a full portfolio of color "before and after" shots which show his work. I am sure he witt make himself available to the Council to amplify my remarks and answer any questions that the members might have for him. I make this recommendation whols-heartely because I am convinced that htt. Cochran will complete the task set before him.

When the Council enacted the Grafist: Abatement ordinance it made

an important decision for the future of Lodi. However, to this point the decision has not been accompanied by a determination to succeed. followed by an allocation of resources sufficient to ensure success. The time to act is now. The City deserves no less.

anthur B. Price

GRAFFITI ABATEMENT SERVICE 935 COLOMA STREET. LODI, CALIF. 95240

PROPOSAL AND CONTRACT

DATE; 1-13-92

CONTRACT NUMBER: 1942

TO; OWNER/AGENT;

CITY Of LODI

DEAR SIR:

I propose to furnish all materials and perform all labor necessary to complete the following.

Start a Graffici Abatement Program, by eliminating graffiti on all surfaces. i will request a non-responsability (orm from any property owners as the need arises. I will furnish detailed reports on all completed objectives. I would like a 6 month contract for approximately 20 hours per month, at 30 dollars per hour. I would be very flexible on this actuate.

All of the above wrk to be completed in a substantial and workmanlike manner according to standard practices for the sum of 30.00 per hr, 20.2rs. per mo for 6 mg. DOLLARS.<\$30.per-hr

Payments to be made, negotiable

to the value of per cent(%) of all work completed.

the entire amount of contract to be paid within, drys

after completion.

Any alteration or deviation from the above specification involving extra cost of material or labor will unly be executed upon written orders for same, and will become an extra charge.

BOND # 907332 SANGHIMITI INSCO,

Respectfully submitted,
by; Venne Gorhran

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the proposal, for which, I / We, agree to pay the amount mentioned in said proposal, and according to the terms thereof. ACCEPTED:

DATE;	+++

TIE \$30 PRITE SULDING. IF A
CLEANING, Touch ups, BLENDING. IF A
PERSON HAD A BIG WALL OR A
LARGE PAINTING TOB A PAINT
ALLOWANCE Should BE CONSIDERED

IF 10-20 GALS PAINT REQUIRED.

32998 6034 0101 Gen Cont Jan 31, 1991 1

ISSUED

Graffiti Abatement Service

ADDRESS 801 Laver Ct Lodi, CA 95242

SEE REVERSE SIDE

Director of Ethance

By

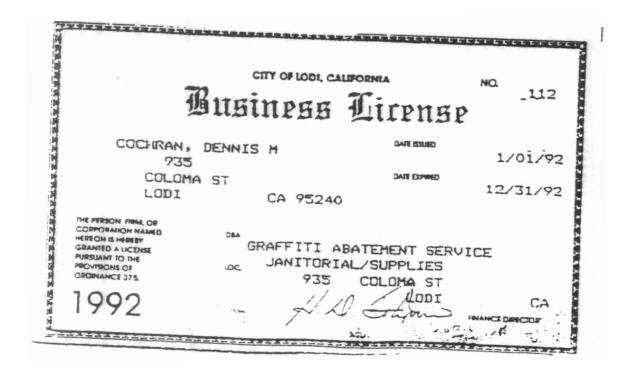
Director of Ethance

By

Director of Ethance

By

Director of Ethance





CITY OF LOM GENERAL RELEASE/HOLD HARMLESS AGREEMENT FOR GRAFFITI ABATEMENT

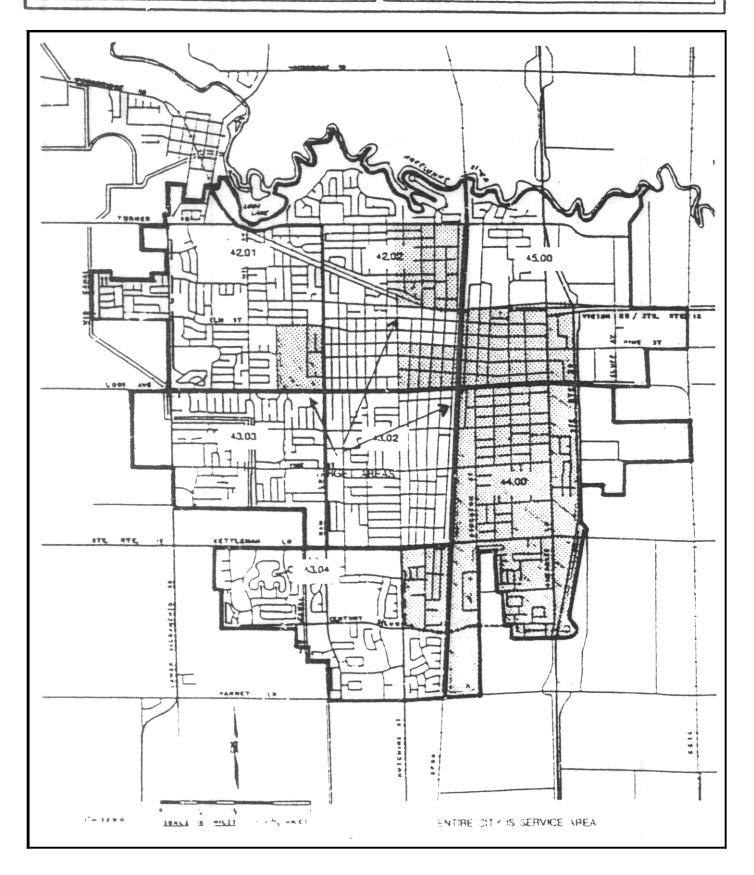
Locati	on of Graffiti	(address)					
Respo	onsible Patty						
Teleph	none ()	First	Middle		Last		
•	rty Owner's						
	,	First	Middle		Last		
Prope	erty Owner's	Address					
D - 1 -		Street		Apt. No	City	State	Zip
Date_							
			AGREEME	NIT			
			AGREEME	IN I			
1.	abatement of hold harmle and/or dam	Party agrees a of graffiti on the ess the City, its ages of any kind City's actions or	property of employee whatsoev	described ales. officers rer incurred	bove, to s and ager by owne	ave, defe nts from	end and liability
2.	Responsible Party consents to the entry upon the subject property by City, its agents or employees at any reasonable time for the purpose of such graffiti abatement. There shall be no charge by City for these services.						
3.	3. It is understood by Responsible Party that City makes no representations that paint or material used to abate graffiti will match or blend with existing paint or finish. It is further understood that no warranty is intended nor shall attach to the workmanship or materials used for graffiti abatement including warranty of fitness for purpose. City shall have exclusive discretion as to the methods, materials, and colors utilized in such abatement.						
Resp	•	's Signature					

This authorization to abate graffin shall be in effect until such time that responsible party gives written notice to City of its intent to revoke this General Release/Hold Harmless Agreement. Graffin abatement procedures shall be implemented as many times as needed by the City of Lodi at their discretion.



COMMUNITY OEVELOPMENT DEPARTMENT

1989 CDBG TARGET AREA FAIR HCUSING COUNSELING



835 W. Harney Lane, #81 Lodi, CA 95240-7028 February 23, 1992

Mr. James W. Pinkerton, Jr., Mayor City of Lodi City Hall 221 W. Pine Street P.O. BOX 3006 Lodi, CA 95241~1910

Dear Honorable Mayor:

I am a Roy Scout of Troop 199 and I attended thr City Council Meeting on February 19, 1992 and it was very interesting to learn how the City Government works.

On the issue of the growing problem of graffiti. I heard thr major problem was obtaining releases from the responsible party; being the people who live in, rent or own the building. in order to remove the graffiti. Why can't the City of Lodi give a Public Notice to each property owner that graffiti will be removed at said property address by the City's Public Works Department? Giving the public ample time for property owners who do not wish the City to remove graffiti would be able to sign a document that they will be responsible to remove graffiti from their own property within a reasonable time. This way having the majority of the community on a blanket release the work to remove graffiti can be scheduled as soon as possible.

Resides the neighborhood watch program and/or other community groups getting involved to help remove the graffiti. I suggest that more community service hours be increased by repeated offenders of the law to work on this specific project,

Why doesn't the City of Lodi have a curfew for minors? I suggest that if their were a 10:00 P.M. curfew for minors some controls could be met and thr responsibility of "Do you know where your children are at" be placed on the parents, also being able to control the gang and graffiti problems growing in thr City of Lodi

I would appreciate a response to my letter.

Sincerely,

Michael Kennedy Kon nedy

- 1. Fictures 1-4. I believe the City can and would like to do better. Fictures 1 and 2 especially. This was a white wall although it appears gray in the shadows. I am sure the City would like to improve this affort: I believe that 3 colors, white, gray, brown, beige and cream would do a very presentable job on 90% of the sites.
- 2. Pictures 5 and 6. The City did an excellent job "water blasting" the slump stone building of Det Castillo Mexican Products. Pictures 5 and 6 are of cites on which I obtained releases specifying "water-blast" which were painted. Can the criteria for "water-blasting" be clarified?
- 3. Pictures 7, 9. 9, and 10 are sites which the City abated. They were hit again as shown on the weekend of February 29 March 1. The City abated them again on Monday morning March 2 GREAT JOB!
- 4. In light of the brashness of the perpetrators as shown in pictures 7, 8, 9, and 10 do Mr. Ronsko, Mr. McNatt and the Council feel that a "Reward offered for arrest and conviction . . . " campaign sponsored by the Chamber of Commerce, service clubs and interested individuals would be of help? If so I would be giad to start it with a donation of \$ 50.00,
- 5. Thus far I have obtained 33 "Hold Harmless" forms 24 which had existing graffiti mostly in the targeted area. While being bilingual would be an asset in any job I don't believe it needs to be a requirement. I have gotten 1 release from a mexican-American but 5 from Iranians and 2 from Pakistanis. If it becomes apparent that Spanish is a need a card explaining the program in Spanish would probably suffice.
- 5. I would be pleased to continue obtaining "Hold Harmless" forms to supplement a City employee, thereby permitting him as much time as possible for abatement and the all important rollow up. I believe I can average 4-5 refeases per week. The City could be at great help by identifying the owners of abandoned properties and by contact with large companies who are distant from a local employee, i.e. Pacific Bell their green service bases are a prime target at Blakely Mark, Tokay Street, etc. Also Southern Facific whose crossings and silver service buildings are a prime target i.e. South main and East Locust.

?. Can any provisions be made to use paint supplied by a property owner? I have called certain property owners to simply notify them of existing graffiti because the color of their building is distinctive examples American Legion Hall and Japanese Community Hall. Another example is the Goodwill Industries building exposed on all four sides. Could their paint be used to abate their building as needed?

RECEIVED

92 FEB 27 MI ID: 03

CITY CLERK

Mr. James W. Pinkerton, Jr., Mayor City of Lodi City Hall 221 W. Pine Street P.O. BOX 3006 Lodi, CA 95241-1910 835 W. Harney Lane, #81 Lodi, CA 95240-7028 February 23. 1992

Dear Honorable Mayor:

I am a Boy Scout of **Troop** 199 and I attended the City **Council** recting on February 19, 1992 and it was very interesting to learn how the City Government works.

On the issue of the growing problem of graffiti, I heard the major problem was obtaining releases from the responsible party; being the people who live in, rent or own the building, in order to remove the graffiti. Why can't the City of Lodi give a Public Notice to each property owner that graffiti will be removed at said property address by the City's Public Works Department? Giving the public ample time for property owners who do not wish the City to remove graffiti would be able to sign a document that they will be responsible to remove graffiti from their own property within a reasonable time. This way having the majority of the community on a blanket release the work to remove graffiti can be scheduled as soon as possible.

Besides the neighborhood watch program and/or other community groups getting involved to help remove the graffiti. I suggest that more community service hours be increased by repeated offenders of the law to work on this specific project.

Why doesn't the City of Lodi have e curfew for minors? I suggest that if their were a 10:00 P.M. curfew for minors some controls could be met and the responsibility of "Do you know where your children are at" be placed on the parents. also being able to control the gang and graffiti problems growing in the City of Lodi.

I would appreciate a response to my letter.

Michael Konnedy

Michael Kennedy

d Public Lucika Recete

CITY OF LODI SPECIAL ALLOCATION REQUEST

TO:	Finance Director		DATE: March 4, 1992
FROM:	City Clerk		PROJECT NUMBER:
	t is made for fur rrent budget:	nds to accomplish	the following project which was not included in
Desc	ription of Projec	t	Estimated Cost
meetin	g		by the Lodi City Council at its March 4, 1992 el Tax Fund - \$9,000
	- <u>-</u>	-	dditional sheet and attach to this form)
Date o	f Approval - Mar	ch 4, 1992	Amount Approved - \$9,000
Counci	1 XXXXX		City Manager
	FUND OR	ACCOUNT TO BE CHA	RGED
Curren	t Budget	\$	Prior Year Reserve \$
Contin	gent Fund	\$	General Fund Surplus \$
Capita	1 Outlay Reserve	\$	Gas Tax Fund \$
Utilit	y Outlay Reserve	\$	Other (Election) \$
Hotel/	Motel Tax Reserve	s - s	
Genera	l Fund Operating	Reserve \$	***************************************
Financ	Flynn, ce Director		Alice M. Reimche City Clerk
be as	this form in du follows:	plicate to the Fi 1) Originating D	nance Director. Distribution after approval will Department 2) Finance Department